

**REMARKS**

In the Office action mailed May 24, 2004 (“the Office action”), the Examiner considered claims 1-20, rejected claims 1-20, and objected to the drawings. This reply amends the drawings, amends claims 1-3, 6-8, 11-13, and 16-18, and respectfully traverses the Examiner’s rejections.

**I. Objections to the Drawings**

The Examiner objected to the drawings. This reply amends the drawings to address the issues raised by the Examiner.

**II. 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 1, 4-6, 9-11, 14-16, 19, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,588,147 (“Neeman et al.”) in view of U.S. Patent No. 6,694,336 (“Multer et al.”). Claims 2, 3, 7, 8, 12, 13, 17, and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Neeman et al. in view of Multer et al. and further in view of U.S. Patent No. 5,778,389 (“Pruett et al.”). Applicants respectfully traverse these rejections.

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” MPEP § 2143.03

“Office policy is to follow Graham v. John Deere Co. in the consideration and determination of obviousness under 35 U.S.C. 103 . . . the four factual inquiries enunciated therein as a background for determining obviousness are as follows: (A) Determining the scope and contents of the prior art . . .” MPEP § 2141.

Now canceled claim 2 contained the limitation “detecting one or more changes in said first set that conflict with said second set.” In the Office action, the Examiner admits that Neeman et al. in view of Multer et al. does not teach or suggest this limitation. See page 9, paragraph 4 of the Office action (“Neeman et al as modified, still does not teach detecting one or more changes in the first set that conflict with the second set”). Alternatively, the Examiner asserts that Pruett et al. teaches this limitation (see page 10, lines 1-3 of the Office action). Applicants strongly disagree with this assertion.

Pruett et al. does not teach or suggest “detecting one or more changes in said first set that conflict with said second set” because Pruett et al. does not teach or suggest any type of change log. Because no change log is taught, Pruett et al. cannot possibly teach a set of changes to make to a file tree using a change log or “detecting one or more changes in said first set that conflict with said second set,” wherein the first and second sets are determined using change logs. Instead of using change logs, Pruett et al. teaches comparing files directly. See, for example, column 2 lines 9-19 (“a directory synchronizer for sequentially selecting one of the first plurality of files, for determining whether one of the second plurality of files is substantially similar to the selected file, and for copying the selected one the of the first plurality of files into the second file directory”).

Because Pruett et al. teaches comparing and copying files directly and does not teach using change logs or anything related to them, the Examiner failed to provide prior art that teaches or suggests all the claim limitations. Furthermore, because the Examiner misconstrued Pruett et al., the Examiner also failed to determine the scope and contents of the prior art. Therefore, the rejection of claim 2 under 35 U.S.C. § 103(a) was improper.


Claim 1 has been amended to include the limitations of canceled claim 2, therefore claim 1 is not unpatentable under Neeman et al., Multer et al., Pruett et al., or any combination of them for at least the same reasons that canceled claim 2 was not unpatentable under them. Claims 6, 11, and 16 are not unpatentable under Neeman et al., Multer et al., Pruett et al., or any combination of them for at least the same reasons that claim 1 is not unpatentable under them. Claims 2-5, 7-10, 12-15, and 17-20 depend upon claims 1, 6, 11, and 16 respectively and therefore are not unpatentable under Neeman et al., Multer et al., Pruett et al., or any combination of them for at least the same reasons that claims 1, 6, 11, and 16 are not unpatentable under them.

**VI. Conclusion**

In view of the foregoing comments, Applicants respectfully submit that the present amendment places the above-referenced application in condition for allowance, and thus, a swift allowance is respectfully requested so that the application may swiftly pass to issue.

Respectfully submitted,

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